IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6785 OF 2005

Jyotiram L. Latke ... Petitioner

Versus

The State of Mah. and Ors. Respondents

Mr. N.V. Bandiwadekar for Petitioner.

Mr. R.D. Rane, Govt. Pleader for R. No. 1 and 2.

Mr.Shivaji Patil for R. No. 3.

CORAM : F.I. REBELLO &
DR.D.Y.CHANDRACHUD,JJ.
DATED : JANUARY 23, 2006

P.C.

. Rule. Heard forthwith.

. It is the case of the Petitioner that before the Respondent Management could accept his letter of voluntary retirement, he withdrew the same by letter dated 9.9.2005. Further application was made on 19.9.2005. By communication of 26.9.2005 received by the Petitioner on 27.9.2005, the Petitioner was informed that the Managing committee by resolution dated 23.7.2005 had accepted his application for voluntary retirement and handed over the charge of the school on 10.10.205. The Petitioner approached this

court by way of Petition and in 7th October, 2005, we had directed the parties to maintain status quo and not to relieve the Petitioner till further orders of this Court. Subsequent to that, the Petitioner has been suspended and continues under suspension.

. It was contended on behalf of Respondent NO. 5 that the Petitioner has alternative remedy by way of appeal before the School Tribunal under the M.P.S. Act. The Resolution of the Managing Committee dated 23.7.2005 has not been produced before us and considering that and as the Petitioner has already withdrawn his earlier application for V.R.S., the same could not have been accepted after he had withdrawn the same. In the light of that Petition can be disposed of by issuing the following directions :

. As the Respondent No. 3 has issued letter of suspension on the Petitioner, it will be deemed that the Petitioner is in service but under suspension. It will be open to the Respondent No. 3 to serve chargesheet on the Petitioner and to conduct enquiry according to law. The enquiry to be completed in terms of the rules in force and as expeditiously as possible.

Rule made absolute accordingly. No order as to costs.

(F.I. REBELLO,J.)

(DR. D.Y. CHANDRACHUD,J.)